Transfer liability of employees

3927. SHRI A. NALLASIVAN: Will the PRIME MINISTER be pleased to refer to answer to Unstarred Question 434 given in the Rajya Sabha on the 29th April, 1993 and state:

(a) whether the judgement of the Central Administrative Tribunal had held that incorporation of All India Transfer Liability clause join the offer of appointment is justified;

(b) whether the statement of Government made before the Central Administrative Tribunal, Calcutta that members of Group of C & D staff of DGQA do not have All India Transfer Liability, could be confined only to AIR, Port Blair;

(c) whether the transfer of an employee is incidence of service; if so, why All India Transfer Liability clause is incorporated only in respect of Statutory Rules and Orders 264/79 and 36/82; and

(d) how do Government confirm whether a post is transferable or not with reference to proviso to Article 309 of the Constitution of India as transfer of an employee is a condition of service in terms of the declared law by Supreme Court— (1989) 2SCC 602 & 1988(2) SCC 35?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI MALLIKARJUN): (a) The Central Administrative Tribunal, Bangalore in OA No. 415/91 has held that transfer by shifting an employee from one place of working to another is an incidence of service, and upheld the policy for transfer of Group 'C' employees of DGQA.

(b) The case before CAT, Calcutta did not pertain to employees of DGQA/Ministry of Defence. Moreover as stated in answer to Rajya Sabha Unstarred Question No. 434 dated 29-3-93. the judgement in this case is not relevant in the matter.

(c) and (d) Yes Sir. The transfer of an employee is an incident of service as held by the Supreme Court in Union of India vs H N Kritania (1989) 3SCC 455. Whether a job is transferable or not is decided by the executive authority based on the functional requirements of the organisation. It is, however, not necessary to lay down this condition under proviso to Article 309 of the Constitution of India.

All India transfer liability conditions in DGQA

3928. SHRI A. NALLASIVAN: Will the PRIME MINISTER be pleased to refer to answer to Unstarred Question 434 given in the Rajya Sabha on the 29th April, 1993 and state:

(a) whether it is a fact that Supreme Court has held that transfer of an employee from one place to other is a condition of service;

(b) whether it is also a fact that Central Administrative Tribunal (CAT), Bangalore had held that 'transfer by shifting of an employee is an incidence of service';

(c) if so, which of the two judgements is followed by Government in trasferring Group C & D employees of DGQA; and

(d) under which statutory rule a Group 'C' employee of DGQA organisation is transferable on All India basis?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI MALLIKARJUN): (a) to (d) Both the judgements make it clear that employees are liable to be transferred from one place to another. By virtue of the responsibilities assigned to the Directorate General of Quality Assurance (DGQA), and based on the functional requirements of the office, the incumbents of the posts in DGQA have all India service liability and are transferable from one Estt. to another. This is reflected in the offers of appointment also and, therefore, the employees are well aware of this liability. It has not been found necessary to make statutory rules for this purpose.

Anomalies in One Rank One Pension Scheme

3929. SHRI DILIP SINGH JUDEV: Will the PRIME MINISTER be pleased to state:

(a) whether the One Rank One Pension demand of the ex-servicemen of the Army has been fully satisfied;

(b) are there any anomalies in Government's formula to meet their demand;

(c) what is the number of ex-servicemen on pension today; and

(d) what would be the recurring expenditure per annum if their demands are accepted?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI MALLIKARJUN): (a) to (d) Government have not accepted the demand of ex-servicemen for One Rank One pension. However, a scheme for One Time Increase (OTI) in pension to the Armed Forces personnel who retired before 1-1-86 had been sanctioned w.e.f. 1-1-92 in pursuance of the unanimous recommendations of the High Level Empowered Committee (HLEC) which had been set up by Government to examine the demand of One Rank One Pension. The said High Level Empowered Committee had left the claim of certain categories of Armed Forces pensioners such as re-employed pensioners, State

Forces pensioners, Territorial Army pensioners etc. and anomalies, if any, in implementing the scheme of OTI to be considered by another committee. The latter Committee dealt with the claims of such left out categories of pensioners and submitted its recommendations to the Government. The recommendations of the Committee have been accepted. It is expected that almost 2 lakh persons will benefit. The additional expenditure is likely to be of the order of Rs. 20 crores per annum.

The number of ex-servicemen on pension is as under:

(i) Commissioned Officers (as at the end of Oct. 93)	26,530 (approx)
(ii) JCOs/ORs (as at the end of Aug. 73)	11,27,280 (approx)
TOTAL	11,53,810 (approx)

Since the Government has not accepted the demand of Ex-servicemen for One Rank One Pension, exact financial implication of meeting the demand has not been computed.

Poor condition of Kamptee Cantonment

3930. DR. SHRIKANT RAMCHANDRA JICHKAR: Will the PRIME MINISTER be pleased to state:

(a) whether Government are aware that the Kamptee Cantonment in Maharashtra is not properly maintained;

(b) what are the reasons for the poor condition of roads, bridges, lighting and sanitation there;

(c) whether the Kamptee Cantonment faces paucity of funds; and

(d) if so, what action is being taken to ameliorate the condition of the Kamptee Cantonment?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI MALLIKARJUN): (a) to (d) Government are aware of the general status of maintenance of civic amenities such as roads, bridges, lighting and sanitation in the Kamptee Cantonment.

The Kamptee Cantonment Board is a deficit Board and requires central aid in terms of grants-in-aid and service charges in order to meet day to day cost of administration. The total income of the Board from local sources during 92-93 was Rs. 8.18 lakhs only as against expenditure of Rs. 57.28 lakhs.

The position of the civic amenities in the Kamptee Cantonment Board is as under:

Roads: The Board maintain 9.07 kms. tar roads and 1.25 kms. water bound macadam. The roads require repairs.

Bridge: The PWD authorities were requested to undertake repair of a bridge on a nalah which connects Cantonment area with the area outside the Cantonment. The PWD authorities have demanded Rs. 15 lakhs for carrying out repairs to the bridge.

Electricity: Electricity in the Cantonment is supplied by the Maharashtra State Electricity Board and the MES. The Board maintain 435 street lights of which 230 are Sodium Vapour lamps (200 of 70 Watts and 30 of 250 Watts).

Sanitation: The condition of sanitation is reported to be satisfactory. The Board has 51 safai karmacharis and 4 sanitary jamadars who work under the supervision of the Sanitary Inspector.

The Kamptee Cantonment Board has incurred Rs. 1,04,322 and Rs. 9,672 for repair of roads during the year 1992-93 and 1993-94 respectively. However, works costing Rs. 50,000 were under execution during 1993-94. Due to paucity of funds, the Cantonment Board could not carry out repairs to the bridge.

During the year 1993-94, the Board was sanctioned Rs. 11.20 lakhs as grants-in-aid and Rs. 28.06 lakhs as service charges.

Maintenance of Sitabuldi Fort

3931. DR. SHRIKANT RAMCHANDRA JICHKAR: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that proper financial sanctions are not being made for proper maintenance of the Sitabuldi Fort in Nagpur;

(b) what is the reason for the Sitabuldi Fort facing difficulty in properly maintaining itself;

(c) when will enough money be made available to the Fort authorities for its maintenance; and

(d) what is the demand made by the Fort authorities and how much money is given annually to them?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI MALLIKARJUN): (a) to (d) Allotment of fund for essential maintenance of Fort is being done on a regular basis out of MES budjet. Against an estimated annual requirement of funds for maintenance of the buildings and roads under the control of defence authorities of Rs. 2.09 lacs and Rs. 0.25 lac, respectively, the actual allocation of funds has been Rs. 0.90 lac and Rs. 0.08 lac for the purpose due to financial constraints. Efforts are being made by the local defence authorities, including deployment of manpower to keep the Fort in a proper state of maintenance within the existing resources.